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April 1, 2021

The Honorable Marvin L. Abney  
Chairman  
House Committee on Finance  
State House  
82 Smith St.  
Providence, RI 02903

RE: H 6122 – ENTITLED, AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT  
OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2022 (ARTICLE 10 –  
FISHING INDUSTRY MODERNIZATION)

Dear Chairman Abney:

I am writing in support of H 6122 (Budget Article 10- Fishing Industry Modernization), which would, among other things, create a Dockside Program in Rhode Island. Specifically, the legislation would amend Section 21-14-12 of the General Laws in Chapter 21-14 entitled *Shellfish Packing Houses* to authorize the Rhode Island Department of Health (RIDOH) to create a Dockside Program, including the promulgation of regulations, pursuant to the relevant sections of the National Shellfish Sanitation Program (NSSP) Model Ordinance.

The Ordinance would permit surf-clam processors licensed by RIDOH to harvest surf clams from federal waters in which biotoxin testing is not conducted and assure the sanitary quality of shellfish. The fees collected will be deposited into the General Fund and the revenues shall be allocated to RIDOH for administration of the program. The Dockside Program shall not apply to aquaculture processors.

As of April 19, 2019, the National Marine Fisheries Council, in conjunction with several other federal agencies, closed a large part of the fishing grounds commonly used for harvesting surf clams in the Atlantic to protect specific marine species. It is unlikely to reopen soon. An alternate harvest area has been identified, but it is restricted due to biotoxin concerns. There are provisions in the NSSP Model Ordinance for harvesting in areas associated with biotoxins; however, these provisions are complicated, costly, and labor intensive for the industry and the state to implement and sustain.

In order to allow surf clam landing and processing of surf clams harvested from federal waters in Rhode Island that are associated with biotoxins, RIDOH needs to establish a Dockside Program. Permit fees would cover dockside sampling; sample transportation; lab testing equipment and supplies; lab personnel; and administrative time for monitoring, documenting, and reporting extensive amounts of information required by the NSSP Model Ordinance.

The proposed fees are based on two boats landing twice a week for 42 weeks out of the year, thus three (3) full time equivalents (FTE) would be required. RIDOH will have the authority to

establish the licensing fees at its sole discretion. RIDOH will also have the authority to limit the number of licenses issued. The proposed net-wide collections will only support two boats landing twice a week for 42 weeks out of the year.

As the number of boats landing in Rhode Island increases, additional funding for RIDOH will be required due to submission of additional samples and increased administrative tasks. Since the fee is per boat, costs would be covered by additional fees. Fees are based on permitting a minimum of two boats.

Galilean Seafoods has been working proactively, and in conjunction, with RIDOH for the last 18 months to develop a program that will allow for continued operation and growth while meeting all pertinent regulations. Allowing Galilean Seafoods to continue to land and process surf clams in Rhode Island will save Rhode Island jobs and support an important business and industry.

In addition to protecting current industry, the Dockside and Sampling Program would allow for the growth of surf clam landing and processing in Rhode Island. That means there is potential to generate new jobs for Rhode Islanders. In fact, other surf clam harvest companies have expressed interest in landing in Rhode Island. In summary, this is a winning proposal that benefits Rhode Island businesses, the surf clam industry, and the communities where the businesses are located while remaining competitive with other states and developing an innovative program.

It is for these reasons that I encourage your favorable support of this important legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicole", followed by a long horizontal flourish line. The word "for" is written in small letters below the signature.

Nicole Alexander-Scott, MD, MPH  
Director

CC: The Honorable Members of the House Committee on Finance  
Nicole McCarty, Esquire, Chief Legal Counsel to the Speaker of the House